

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 7TH NOVEMBER 2007 / 16TH KARTHIKA 1929

WP(C).No. 15056 of 2007(P)

PETITIONER:

P.J.JUBY,JUBY NIVAS,
VADAKARA PO, THALAYOLAPARAMBU,
KOTTAYAM.

BY ADV. SRI.G.PRABHAKARAN.

RESPONDENTS:

1. THE SECRETARY, REGIONAL TRANSPORT AUTHORITY,
KOTTATAM.
- *ADDL.R2. BIJU THOMAS, PULIMTHOTTIL HOUSE,
UZHAVOOR.P.O., PALA.
- *ADDL.R3. LEELAMMA PAUL, VALIYAPEEDIKA,
LAKKATTOOR, KOOROPPADA,
KOTTAYAM.
- *ADDL.R4. SIMON.M.T, MANNATTUPARAMBIL HOUSE,
KALLARA, KOTTAYAM.

*IMPLEADED AS PER ORDER DATED 28/09/2007 ON I.A. NO. 7834/2007.
- **ADDL.R5. K.C. VARKEY, KUNNATHOOR HOUSE, ALAPURAM,
ELANJI, KOTTAYAM.

**IMPLEADED AS PER ORDER DATED 28/09/2007 ON I.A. NO. 8029/2007.

BY GOVT. PLEADER SRI. BENJAMIN PAUL,
ADV. SRI.I.DINESH MENON,
ADV. SRI.K.V.GOPINATHAN NAIR.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 02/11/2007, THE COURT ON 07/11/2007 DELIVERED THE
FOLLOWING:

W.P.(C). NO.15056/2007-P:

APPENDIX

PETITIONER'S EXHIBIT:

EXT.P.1: COPY OF THE OBJECTION DTD. 12/09/2006.

RESPONDENT'S EXHIBITS:

EXT.R2.A: COPY OF THE PROCEEDINGS OF THE SECRETARY, R.T.A. KOTTAYAM DTD. 14/08/2006.

EXT.R2.B: COPY OF THE ORDER OF THE STATE TRANSPORT APPELLATE TRIBUNAL IN M.P. NO. 353/2007 IN M.V.A.R.P. NO. 48/2007 DTD. 11/04/2007.

EXT.R2.A: COPY OF THE PERMIT AND TIME SCHEDULE IN RESPECT OF SC KL-56132.

EXT.R3.A: COPY OF THE PERMIT AND TIME SCHEDULE OF SC KL-35 5334.

EXT.R4.A: COPY OF THE PERMIT AND TIME SCHEDULE OF SC KL-5 S 1400.

EXT.R4.B: COPY OF THE ORDER IN MVARP NO. 48/2007 DTD. 11/04/2007 ALONG WITH THE ORDER IN M.P. NO. 353/2007 DTD. 11/04/07.

//TRUE COPY//

prv.

ANTONY DOMINIC, J.

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W.P. (C) No. 15056 OF 2007 P
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Dated this the 7th November, 2007

J U D G M E N T

This writ petition has been filed praying for a direction to the respondent to take back Ext. P1 objection filed by the petitioner relating to his own service to operate on the route Pala-Ernakulam-Kaloor Bus Stand, and to pass orders enabling the petitioner to avoid the waiting time at Thalayolaparambu from 7.43 a.m. to 7.50 a.m.

2. Ext. P1 was filed against the timing granted to the petitioner by the RTA, which included waiting time from 7.43 a.m. to 7.50 a.m. at Thalayolaparambu Bus Stand. From the pleadings it is obvious that against the timing thus settled for the petitioner's stage carriage, petitioner had filed M.V.A.R.P. No. 48/07 before the STAT along with an application for condoning the delay of 141 days. The Tribunal considered the petition for condonation and dismissed the same by its order dated 11-4-2007 and consequently the revision itself was rejected. In the order refusing to condone the delay, specific reference is made to Ext. P1 and it

has been held that it is the settled law that the Secretary of RTA cannot review his own orders. According to the Tribunal, if the petitioner was aggrieved by the timing settled, he should have filed a revision in time and therefore reliance on Ext. P1 for explaining the delay was held to be insufficient. The order thus passed by the Tribunal has become final.

3. Thus, the Tribunal has taken the view that Ext. P1 was not maintainable before the respondent. That order having been allowed to become final and binding, it is not open to the petitioner to seek the assistance of this Court to require the respondent to consider Ext. P1. This Court will not be justified in directing the RTA to take back Ext. P1 which was returned to the petitioner, as is seen from the endorsement on Ext. P1 itself, and pass orders thereon.

The writ petition is only to be dismissed and I do so.

**ANTONY DOMINIC
JUDGE**

jan/-